

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X
UNITED STATES OF AMERICA	:
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	:
	:
	1:16-cr-54-GHW
-v-	:
RUBEN PIZZARO,	:
	:
	:
Defendant.	ORDER
	:
	X

GREGORY H. WOODS, United States District Judge:

On November 13, 2020, the Court received a letter submitted on behalf of Ruben Pizzaro requesting the appointment of counsel to assist him in filing a petition for habeas corpus pursuant to 28 U.S.C. § 2255. The request is denied.

A habeas petitioner has no right to counsel. *Green v. Abrams*, 984 F.2d 41, 47 (2d Cir. 1993). (citation omitted). However, under the Criminal Justice Act (the “CJA”) the Court may appoint counsel to any person “seeking relief” under 28 U.S.C. § 2255 “[w]henever . . . the interests of justice so require and such person is financially unable to obtain representation.” 18 U.S.C. § 3006A. Under the rules governing petitions under 28 U.S.C. § 2255, the appointment of counsel is mandatory when a court determines that there should be an evidentiary hearing. *See* Rule 8(c) of the Rules Governing Section 2255 Cases. In all other circumstances, the appointment of counsel is discretionary.

The Court has considered the request by Mr. Pizzaro. It does not provide adequate justification for the appointment of counsel at this time. Accordingly, the request is denied without prejudice.

USDC SDNY
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The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See* *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 176.

SO ORDERED.

Dated: November 14, 2020
New York, New York



GREGORY H. WOODS
United States District Judge